

C. REMARKS

In the Office Action of 25 August 2005, Claims 1-19 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,456,981 to *Dejaeger et al.* in view of U.S. Patent No. 6,553,404 to *Stern*. In response, claims 1, 8 and 14 have been amended to further clarify the claimed invention. In addition, the remaining claims have been amended to comply with the amendments to claims 1, 8 and 14.

The present application describes a computer-assisted method of establishing a brand presence in a remote facility. The present invention provides a system and method of delivering entertainment and advertising content to remote facilities that use relatively inexpensive playback systems. Audio and video content are stored in a content database housed in a central facility. The audio and video content contain both advertising content and entertainment content. The advertising content contains both advertisements related to the facility and local advertisements. The local advertisements can be created consisting of standard and customized content. Personnel from a remote facility access via a medium, such as for example the Internet, a central network computer at a central office. The central network computer includes a playlist that controls the playback of audio and video broadcasting within the remote facility. The facility personnel enter on the playlist identifiers of advertisements. The playlist is transferred, or pushed, to the remote facility, which playlist includes advertisements related to the remote facility.

U.S. Patent No. 6,456,981 to *Dejaeger et al.* ("*Dejaeger*") describes a method for displaying a customized advertising message on a display monitor in a retail terminal such as a grocery or department store. By customized, *Dejaeger* specifically targets advertising to individual customers. Advertising messages are displayed on the display monitor based on the retail information of the user. Retail information is included in a user profile associated with a user's previous use of the retail terminal. The retail checkout terminal is operated so as to allow the user to enter items for purchase into the retail checkout terminal – self service checkout. The retail information included in the

user profile is retrieved. The advertising message is generated based on the retail information of the user profile. The advertising message is communicated to the user on the display monitor associated with the retail checkout terminal. Thus, *Dejaeger* does not disclose, teach or suggest the combination of advertising content with entertainment content.

The Office Action recognizes that *Dejaeger* does not teach an Internet connection to a central network computer from a remote facility. Thus, the Office Action further relies on U.S. Patent No. 6,553,404 to *Stern* ("*Stern*"), citing column 10, lines 45-56. Column 10, lines 45-56 of *Stern* describes the "Communication Network" thusly:


"NCO 120 [sic, NOC (Network Operations Center)] communicates digitized data files 122 to a commercial sales outlet 130 via a communications network 125. Communications network 125 can be implemented in any one of several technologies. For example, a satellite link can be used to distribute digitized data files 122 to commercial sales outlet 130, as described below. This allows content to easily be distributed by broadcasting (or multicasting) the content to various locations. However, any response by the systems are those locations must be accomplished in some other manner, such as by leased line, public telephone line, the Internet, or some other comparable mechanism."

Thus, *Stern* does not disclose, teach or suggest the combination of advertising content with entertainment content.

Therefore, neither *Dejaeger* nor *Stern*, alone or in combination, disclose, teach or suggest the combination of limitations of claims 1, 8 and 14 as amended. Accordingly, it is respectfully submitted that claims 1, 8 and 14 overcome the rejection based upon *Dejaeger* and *Stern* and are believed to be in condition for allowance. Further, claims 2-7, 9-13 and 15-19 depend from claims 1, 8 and 14, respectfully, and are believed to be patentable over *Dejaeger* and *Stern* for at least the same reasons. Favorable reconsideration and allowance is respectfully requested.

Respectfully submitted,

Date 21 November 2005
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